

### **REMARKS/ARGUMENTS**

The Office Action mailed October 2, 2007 has been carefully reviewed. Reconsideration of this application in view of the following remarks is respectfully requested. The application as filed contained claims 1-94. Claims 1-3, 9-20, 26-40, 46-60, and 66-94 have been cancelled. The claims presented for examination are claims 4-8, 21-25, 41-45, and 61-65.

#### **Withdrawn of Allowability**

The Office Action mailed October 2, 2007 stated: "The indicated allowability of claims 4-8, 21-25, 41-45 and 61-65 is withdrawn in view of the newly discovered reference to Kerbrat et al (Transactions of Ultrasonics)."

#### **35 U.S.C. § 103(a) Rejection**

In the Office Action mailed October 2, 2007, claims 4-8, 21-25, 41-45 and 61-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fink (US Patent No. 5,092,336) in view of Kerbrat et al (Transactions of Ultrasonics), further in view of Candy (US Patent App. 200110037075).

Applicants' respectfully traverse the rejection of claims 4-8, 21-25, 41-45 and 61-65 under 35 U.S.C. § 103(a). Applicants are attaching two Declarations to overcome the cited Kerbrat et al reference. The two Declarations and the documents submitted with the two Declarations establish that Applicants made the invention described and claimed in the subject patent application (The Invention) in this country prior to the August 1, 2002 date of the Kerbrat et al reference.

#### **Overcoming the August 1, 2002 Date of Kerbrat et al Reference**

The Inventors made the invention described and claimed in the subject patent application (The Invention) in this country prior to the August 1, 2002

date of the Kerbrat et al Reference. The Inventors made written descriptions of The Invention, The Inventors made tests of The Invention, and The Inventors disclosed The Invention to others; all of the foregoing were done in this country prior to the August 1, 2002 date of the Kerbrat et al reference.

The "Declaration by Inventors James V. Candy and David H. Chambers to Overcome Cited Reference" included with this response to the Office Action and documents attached support The Inventors statements that they made The Invention in this country prior to the August 1, 2002 date of the Kerbrat et al reference are included with that Declaration.

The "Declaration by Eddie E. Scott of Prior Invention by James V. Candy and David H. Chambers to Overcome Cited Reference" included with this response to the Office Action and documents attached support the fact that The Inventors made The Invention in this country prior to the August 1, 2002 date of the Kerbrat et al reference are included with that Declaration.

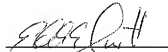
**Rejection of Claims 4-8, 21-25, 41-45 and 61-65 Should be Withdrawn**

With the removal of the Kerbrat et al reference, the 35 U.S.C. § 103(a) rejection in the Office Action mailed October 2, 2007 is not supported and the rejection of claims 4-8, 21-25, 41-45 and 61-65 should be withdrawn.

**SUMMARY**

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated October 2, 2007 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



Eddie E. Scott  
Attorney for Applicant  
Registration No. 25,220  
Tel. No. (925) 424-6897

Livermore, California

Dated: January 27, 2008